



U.S. Department of Justice

*United States Attorney
Southern District of New York*

86 Chambers Street
New York, New York 10007

July 10, 2025

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MEMORANDUM ENDORSED

By ECF

Hon. Gregory H. Woods
Daniel Patrick Moynihan United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: *Bustillos, et al. v. Babalola, D.O., et al.*, No. 25 CV 3556 (GHW)

Dear Judge Woods:

This Office represents defendants Gbolagade Babalola, Nioly Bowrey, Kayley Spinella, and Cornerstone Family Healthcare (together, the “Federal Defendants”), deemed members of the Public Health Service who are improperly named in this tort action recently removed from New York State court pursuant to the Federal Tort Claims Act (the “FTCA”). I write to request a 5-day extension of time from July 10, 2025 to July 15, 2025, to submit a joint letter required by order dated June 18, 2025 (ECF Dkt. No. 11), or to submit a letter from the United States by July 15, 2025, if the Government remains unable to reach Plaintiff’s counsel and coordinate on a joint letter.

In its Order dated June 18, 2025, the Court posed questions for the parties to address by joint letter due on July 10. I had been out of the Office on vacation from June 26 to July 6. Since returning to work on July 7, I have been unable to reach Plaintiff’s counsel to coordinate preparation of the joint letter. I will continue these efforts and, if unsuccessful, request leave to submit the letter on behalf of the United States alone by July 15, 2025. I apologize for not submitting this request by July 8, two business days before the letter’s due date as required by Your Honor’s Rules. I did not anticipate having difficulty contacting Plaintiff’s counsel who was on vacation until June 30. This is the second request for an extension of the deadline. The first request was granted by order dated June 26, 2025. ECF Dkt. No. 14.

Thank you for your consideration of this request.

Respectfully,

JAY CLAYTON
United States Attorney for the
Southern District of New York
Attorney for the Federal Defendants

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cc: All Parties (by FedEx)

Application granted. The Federal Defendants' request for an extension of the deadline to respond to the Court's June 18, 2025 order, Dkt. No. 15, is granted. The deadline for the parties to submit the joint letter described in the Court's June 18, 2025 order is extended to July 15, 2025. The Federal Defendants may submit a letter on their own behalf on July 15, 2025 if they remain unable to reach counsel for Plaintiffs by that time. Counsel for Plaintiffs have now failed to comply with several orders of the Court. On April 30, 2025, the Court ordered counsel to "promptly file a notice of appearance in this case." Dkt. No. 4. The Court renewed that instruction on May 27, 2025. Dkt. No. 9. They have not done so. They have also failed to participate in the preparation of the joint letter directed by the Court. Dkt. No. 11. Plaintiffs' counsel is again ordered to appear in this case, and are advised that further failures to comply with orders of the Court may result in the imposition of sanctions. Counsel for the Federal Defendants is ordered to serve this order on Plaintiffs' counsel. The Clerk of Court is directed to terminate the motion pending at Dkt. No. 15.

SO ORDERED.

Dated: July 11, 2025
New York, New York



GREGORY H. WOODS
United States District Judge